

**Special Education Advisory Council  
Cornhusker Hotel  
January 15, 2009**

**SEAC MEMBERS PRESENT:** Busse, Ewing, Kanter, Kimmons, Kloke, Phillips, Proskovec, Renner, Schroder, Snyder, Stahla, Thode, York

**MEMBERS ABSENT:** Clark, Grossnicklaus, Hopkins, Kimes, Mercer, Montgomery, Prillaman, Slater, VanWassenhoven

**TECHNICAL ADVISORS PRESENT:** Davis, Gordon, Miller

**NDE STAFF PRESENT:** McClain, Sherman, Kasl, Bace, Foley, Farrand, Dymacek, Ihlo, Wragge

*The meeting of the Special Education Advisory Council (SEAC) commenced at 10:00 a.m. Public notification of this meeting was made on the Nebraska Department of Education web site and in the Journal Star.*

**ANNOUNCEMENTS**

Members were welcomed and announcements were made. The Open Meetings Law was posted on the front table.

**APPROVAL OF NOVEMBER 13, 2008 MINUTES**

The November 13, 2008 meeting minutes will be amended to show Kay Schroder as present. Kathy Ewing moved and Mary Kanter seconded a motion to approve the November 13, 2008, meeting minutes as amended.

**VOTE:**       Aye - Busse, Ewing, Kanter, Kloke, Phillips, Proskovec, Renner,  
                      Schroder, Snyder, Thode  
              Nay - None  
              Abstain - Stahla, York  
              Absent - Clark, Grossnicklaus, Hopkins, Kimes, Kimmons, Mercer,  
                              Montgomery, Prillaman, Slater, VanWassenhoven

**The motion carried.**

**AGENDA**

The agenda for the day was reviewed and the addition of Old Business was suggested. A motion to approve the agenda as amended was made by Carol Renner and seconded by Kay Schroder.

**VOTE:**       Aye - Busse, Ewing, Kanter, Kloke, Phillips, Proskovec, Renner,  
                      Schroder, Snyder, Stahla, Thode, York  
              Nay - None  
              Abstain - None  
              Absent - Clark, Grossnicklaus, Hopkins, Kimes, Kimmons, Mercer,

**The motion carried.**

**OLD BUSINESS**

At the previous SEAC meeting discussion was held around creating training for parents on their rights, about special education, how to work with the schools and on sharing of resources. Karen Thode is part of a parent group in Omaha. She shared this information with them and reported that there was a great deal of support for this training to be created. NDE will meet with PTI-Nebraska to consider if this will be possible.

At the previous meeting, Lindy Foley reported on a group that is studying whether educational rights should be transferred to students when they turn 19. Similarly, LB226 has been introduced that proposes changing the age of majority to 18 years for certain purposes.

**PUBLIC COMMENT**

Steve Miller shared that the preschool Developmental Wheel that is given out across the state and includes contact information for the Early Development Network (EDN) has been revised to include current immunization information. This is a great public awareness instrument as well as a tool for parents.

**LEGISLATIVE ACTIVITIES**

Carol McClain reported on some of the Legislative Bills (LB) that have been introduced that could have an impact on the education of students. Copies of all bills are available on the Legislature's web site, [www.nebraskalegislature.gov/bills](http://www.nebraskalegislature.gov/bills).

- The Safe Haven Task Force has not met recently. Senator McGill from Lincoln is chairing the committee.
- LR156 Developmental Disabilities Services Waiting List Recommendations- Mary Gordon chaired the study group, which included Brenda Kimes and Carol McClain. As reported previously there are approximately 2000 people out of high school on the waiting list for in-home supports. Day services are available. LB236 will propose that everyone who was on the list in November, 2008 will all be served incrementally by 2013. It is estimated that \$167 million will be required to fulfill this goal.
- LB27 Autism Treatment Program Act – This bill changes how the money is distributed for autism services and research and who provides the services. A similar bill passed last year as a pilot program. The new bill is to clarify the intent of the original bill.
- LB141 Provide Additional Services through the Veterans Administration to Veterans who have had a Traumatic Brain Injury (TBI). This bill increases the visibility and awareness that many Veterans have had a brain injury and services need to be developed to meet their needs. The bill will expand vocational rehabilitation services. HRSA funded a TBI Advisory Committee for many years; however, this grant may be ending. The bill will provided funding for this Council to continue.
- LB136 Poverty Level - 200% of poverty level would make a child under the

- age of 19 eligible for Medicaid. Once eligible, they are eligible for 12 months.
- LB102 defines High School Graduate for purposes of post-secondary financial aid. Allows a graduate with a 2-year degree from a Community College to go on to a University and get financial aid. Discussion was held on how this impacts FAPE.
- A bill submitted by NDE will include special education components: a) The Diagnostic Resource Center in Cozad was closed many years ago. Approval to use these funds for Regional Programs is sought. b) The use of Surrogate Parents is expanded to include appointment for homeless children. c) State that all school districts must comply with IDEA. Districts have always been required to comply with IDEA as all requirements are in Rule 51; however, an official reference to the federal requirements should be made.

### **IDEA STATE PERFORMANCE PLAN AND ANNUAL PERFORMANCE REPORT**

Sara Farrand and Adria Bace shared information about the Annual Performance Report. The indicators for both Parts B and C were reviewed. Five indicators did not meet the targets but are progressing. Those are graduation rate, dropout rate, transition by age 16, post-school outcomes, and timely and accurate data.

Improvement activities are being grouped into 4 impact areas. The Impact Areas are 1) Improving Academic Achievement, Functional Outcomes and Child Outcomes in Natural and Inclusive Environments, 2) Improving Communication and Relationships among Families, Schools, Communities and Agencies, 3) Improving Transitions from the Early Development Network to Preschool and School to Adult Living, and 4) NDE required activities.

Discussion was held that schools will appreciate this condensing. Official approval of this concept has not been given by OSEP yet. The goal is for the work being done and the improvement activities that are undertaken to have an impact on students and learning. Parents indicated that it will be easier for families to digest four categories rather than individual indicators.

Karen Thode moved and Kathy Ewing seconded a motion that SEAC endorse the development of the impact areas.

**VOTE:**       Aye - Busse, Ewing, Kanter, Kimmons, Kloke, Phillips, Proskovec,  
                       Renner, Schroder, Snyder, Stahla, Thode, York  
               Nay - None  
               Abstain - None  
               Absent - Clark, Grossnicklaus, Hopkins, Kimes, Mercer,  
                       Montgomery, Prillaman, Slater, VanWassenhoven

**The motion carried.**

### **PUBLIC REPORTING**

Sara Farrand presented information on the public reporting plan. OSEP requires that sped data be reported by district. In December, the 2006-07 data was released. Districts have a timeframe to review the data that will be released prior to it going out to the public. The State of the Schools Report can be found on the NDE website or at <http://reportcard.nde.state.ne.us>. Any data element less than

10 will have a masked field. New data will be released in the Spring to comply with OSEP regulations. Part C data is released on the EDN website, [www.nde.state.ne.us/edn](http://www.nde.state.ne.us/edn).

### **SCHOOL DISTRICT DETERMINATIONS**

Adria Bace shared information on school district determinations. Districts who are at the level of “needs assistance” for two years in a row are partnering with NDE in developing corrective action steps. Currently, Nebraska has eleven districts in this situation. Anyone that falls into the lowest two levels can be in a situation where their funding is impacted. Nebraska has not had any districts in those levels to date.

### **NEW FEDERAL REGULATIONS**

Updated federal regulations for IDEA, Part B have been released. Changes include: 1) Parents can not pick and choose which areas of special education in which they want their child to participate. They can choose to participate in special education or not. 2) Parents may not bring advocates to due process hearings other than an attorney. 3) A corrective action plan must be carried out within one year. The plan must be made publicly available.

A handout of actual wording changes was distributed. The changes took effect December 31, 2008 and will need to be incorporated into Rule 51. The Parental Rights document will be updated soon by NDE. A family-friendly supplement to the Parent Rights was developed for Part C by Connie Shockley. Connie can be reached at [cshockley@pti-nebraska.org](mailto:cshockley@pti-nebraska.org).

PTI has a new outreach coordinator position filled by a parent who will work mostly with African American families.

### **AUTISM SPECTRUM DISORDERS NETWORK**

Annette Wragge, State Coordinator for the Autism Spectrum Disorders (ASD) Network spoke about the Network. The ASD Network was implemented in 2002, and was developed to provide support to school districts and parents of children with an Autism Spectrum Disorder. The NDE Education Specialist is Teresa Coonts. Each of the five regions has a coordinator and an advisory team. Regional resource libraries are available with materials that can be checked out by parents or schools. An annual conference is held to train and update providers and families on the latest information on autism. Regional workshops and training is done as well as onsite consultation. Strategies and Techniques for Effective Programs in Schools (STEPS): Teaching Children with Autism, is a comprehensive training program for educators that is offered by the Network. District level training is also being done to build capacity across the state so more people are prepared to provide assistance and serve children well. The number of school districts using the Network is great, with only a small percentage not having made a referral.

## **RESPONSE TO INTERVENTION UPDATE**

Rose Dymacek and Tanya Ihlo spoke about RtI development in Nebraska. RtI is not a special education initiative, as it involves the entire school and begins when a child first begins to show signs of needing help. More than 40 districts in Nebraska have begun professional development training and planning for RtI in their districts. It is expected that 80-90% of the students in a district should be able to meet benchmarks of a strong core curriculum. The remaining students will receive intervention to help them to master the skills and reach the benchmarks. A brief screening is done 3 times per year to help identify which students may be at risk of not making progress. Once in intervention, frequent progress monitoring is done to determine if the intervention is successful. Those that still have additional needs will move into more intensive intervention (1-5% of students). Essential elements of RtI are team leadership, parent involvement, scientifically or research based instruction and intervention, universal screening, progress monitoring, planned service delivery decision rules, intervention delivery, and fidelity of instruction. Data from a school going through the RtI process was shared. After intensive intervention with little progress, the MDT Team would use this data along with many other sources of information to determine if a child is eligible for special education.

## **VERIFICATION GUIDELINES TRAINING**

Carol McClain discussed the Verification Guidelines. A group of stakeholders recommended that the verification requirements for a disability category be removed from Rule 51. The new Verification Guidelines document is a supplementary document to the Rule which gives professionals and parents more discretion at qualifying a child for special education. Training material was developed in the form of video clips that speak about each of the disability categories. The video clips are available on a disc and will be posted on the NDE website. The power point presentations will also be available for download on the site. A video conference will be held on Feb. 6 at 1:00 central time for training on the document. The introduction and the autism clip were shown from the training CD.

## **ADJOURN**

The Council adjourned at 3:00 p.m.